

# North Carolina Court of Appeals

## Docket Sheet

DOT v Rowe, et al

**Case Number:** 97-1470  
**As of:** 04/30/2024  
**Case Closed:** Yes      **Close Date:** 11-09-1998      **Case Type:** Civil (Civil\_othr)      **Mediation:** No

DEPARTMENT OF TRANSPORTATION  
 Plaintiff

v

JOE C. ROWE AND WIFE, SHARON B. ROWE;  
 HOWARD L. PRUTT, JR., AND WIFE, GEORGIA  
 PRUITT; ROBERT W. ADAMS, TRUSTEE, ALINE  
 D. BOWMAN; FRANCES BOWMAN  
 BOLLINGER; LOIS BOWMAN MOOSE;  
 DOROTHY BOWMAN ABERNETHY AND  
 HUSBAND, KENNETH H. ABERNETHY;  
 MARTHA BOWMAN CAUDILL AND HUSBAND  
 JACK CAUDILL; APPALACHIAN OUTDOOR  
 ADVERTISING CO., INC. (FORMERLY APPALACHIAN  
 POSTER ADVERTISING COMPANY, INC.), LESSEE;  
 AND FLORENCE BOWMAN BOLICK,  
 Defendants.

<b>Docket Date:</b> 12-10-1997	<b>File Date:</b> 12-01-1997	<b>File Time:</b> 08:56	<b>Acquired Date:</b> 12-01-1997
<b>Bond Collected:</b> Yes	<b>Docket Fee:</b> Yes	<b>Pauper:</b> No	<b>Print Deposit:</b> No <b>State Appeals:</b> No

**History**

<b>Venue:</b> Catawba (19)	<b>Heard In:</b> Superior Court
<b>To SC:</b> 01-20-1999	<b>From SC:</b> 12-03-1999

**Lower Court Number(s)**

**Location:** Catawba (19)  
**Judge:** J. Marlene Hyatt  
**Case #:** 96CVS1630

**Tracking/Argue**

**Argue Date:** 08-27-1998 #

**Opinion**

**Opinion Date:** 10-20-1998      **Cert Date:** 11-09-1998  
**Author:** Honorable Clarence E. Horton, Jr.  
**Decision:** New trial  
**Opinion Notes:**  
**Opinion Pages:** 10      **Opinion Cost:** \$ 2.00

Cite: 138 NC App 329

Slip Opinion: <https://appellate.nccourts.org/opinions/?c=2&pdf=14703>**Documents**

Document	Date Recvd	Cert of Service	Rec/Brf Due	Resp. Due	Resp. Recvd	Mailed Out	Ruling	Ruling Date
(1) RECORD	12-01-1997					12-22-1997		
(2) INFORM SHT	12-29-1997	12-23-1997						
(3) MOTION	01-12-1998	01-06-1998					Allowed	01-13-1998
(4) APPELLANT BRIEF	02-19-1998	02-18-1998				02-27-1998		
(5) MOTION	03-11-1998	03-09-1998					Allowed	03-12-1998
(6) APPELLEE BRIEF	04-13-1998	04-09-1998				04-22-1998		

**1 - RECORD**

Filed: 12-01-1997 @ 08:56:00

FOR: Defendant-Appellant Joe C. Rowe, et al

BY : Mr. Michael J. Lewis  
LEWIS & DAGGET, PA**2 - AIS INFORM SHT**

Filed: 12-29-1997 @ 02:01:00

FOR: Defendant-Appellant Joe C. Rowe, et al

BY : Mr. Michael J. Lewis  
LEWIS & DAGGET, PA**3 - MOTION (Allowed) - 01-13-1998**

Filed: 01-12-1998 @ 12:00:00

FOR: Defendant-Appellant Joe C. Rowe, et al

BY : Mr. Michael J. Lewis  
LEWIS & DAGGET, PA

The following order was entered:

The motion filed in this cause on the 12th day of January 1998 and designated Motion For Extension of Time For Filing Appellants' Brief is allowed. Defendants-appellant's brief shall be filed on or before 20 February 1998.

By order of the Court this the 13th day of January 1998.

**4 - APPELLANT BRIEF**

Filed: 02-19-1998 @ 09:32:00

FOR: Defendant-Appellant Joe C. Rowe, et al

BY : Mr. Michael J. Lewis  
LEWIS & DAGGET, PA**5 - MOTION (Allowed) - 03-12-1998**

Filed: 03-11-1998 @ 12:00:00

FOR: Plaintiff-Appellee DOT

BY : Mr. J. Bruce McKinney  
N.C. DEPARTMENT OF JUSTICE

The following order was entered:

The motion filed in this cause on the 11th day of March 1998 and designated Plaintiff/Appellee's Motion For Extension of Time to File Brief is allowed. Plaintiff-appellee's brief shall be filed on or before 9 April 1998.

By order of the Court this the 12th day of March 1998.

6 - APPELLEE BRIEF  
 Filed: 04-13-1998 @ 08:49:00  
 FOR: Plaintiff-Appellee DOT  
 BY : Mr. J. Bruce McKinney  
 N.C. DEPARTMENT OF JUSTICE

### Financial Information

#### Receipts

Date Charged	Charge Type	Amount Charged	Amount Paid	Document	Pages	Receipt #	Date Paid
04-22-1998	Printing	47.25	47.25	APPELLEE BRIEF	27	R042003498A	05-13-1998
12-22-1997	Printing	176.75	173.25	RECORD	101	R122041997A	12-22-1997
12-22-1997	Balance	3.50	3.50	RECORD	101	R122042097A	12-29-1997
02-27-1998	Printing	94.50	94.50	APPELLANT BRIEF	54	R022017598A	02-27-1998

#### Exhibits

#### Parties

Party Name	Role
Department of Transportation	Plaintiff-Appellee
Rowe, Joe C.	Defendant-Appellant
Rowe, Sharon B.	Defendant-Appellant
Pruitt, Howard L., Jr.	Defendant-Appellant
Adams, Robert W.	Defendant-Appellant
Bowman, Aline D.	Defendant-Appellant
Bowman, Frances	Defendant-Appellant
Moose, Lois Bowman	Defendant-Appellant
Abernethy, Dorothy Bowman	Defendant-Appellant
Abernethy, Kenny H.	Defendant-Appellant
Caudill, Martha Bowman	Defendant-Appellant
Caudill, Jack	Defendant-Appellant
Appalachian Outdoor Advertising Co.	Defendant-Appellant
Bolick, Florence Bowman	Defendant-Appellant
DOT	Plaintiff-Appellee

#### Attorneys

##### Attorney for Defendant-Appellant - Joe C. Rowe, et al

Mr. Michael J. Lewis [Primary Attorney]

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Winston-Salem, NC 27103

**Attorney for Defendant-Appellant - Joe C. Row, et al**

Mr. Stephen M. Russell, Sr. [Primary Attorney]

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**Attorney for Plaintiff-Appellee - DOT**

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N.C. DEPARTMENT OF JUSTICE

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